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SENATE BILL 508

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Dianna J. Duran

AN ACT

RELATING TO ELECTIONS; PROVIDING REQUIREMENTS FOR EMERGENCY  
VOTING ON THE DAY BEFORE AN ELECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Election Code is enacted  
to read:

"[NEW MATERIAL] EMERGENCY PROCEDURE FOR VOTING IN PERSON--  
DEATH IN THE FAMILY.--

A. On the Monday before an election, a voter who is  
unable to go to the polls due to an unforeseen death in the  
voter's family and who is unable to vote on election day may  
request in person that an alternative ballot be made available  
at the county clerk's office of the county in which the voter  
resides. The voter shall sign and submit a statement under  
penalty of perjury to the county clerk that the voter cannot

.164580.1

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1 vote on election day because of a death in the family.

2 B. If the voter submits the required statement, and  
3 the county clerk determines that the voter has not yet voted  
4 and has not been issued an absentee ballot, the county clerk  
5 shall give the voter an alternative ballot. The voter shall  
6 mark the alternative ballot, place it in an identification  
7 envelope similar to that used for absentee ballots, fill out  
8 and sign the envelope and return the ballot to county clerk.

9 C. Alternative ballots issued pursuant to this  
10 section shall be processed and counted in the same manner as  
11 absentee ballots.

12 D. The secretary of state shall prescribe the form  
13 of alternative ballots and shall distribute an appropriate  
14 number of alternative ballots to each county clerk."

15 Section 2. EFFECTIVE DATE.--The effective date of the  
16 provisions of this act is July 1, 2007.